

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

STRYKER SALES CORPORATION, a
 Michigan corporation;

 Plaintiff,

 v.

JOHNNY MCNANY, an individual; and
INTEGRA LIFESCIENCES CORPORATION,
 a Delaware corporation;

 Defendants.

Case No. 15-cv-01110-JTN-ESC

 Hon. Janet T. Neff

[PROPOSED] JOINT PRELIMINARY INJUNCTION ORDER

This cause coming to be heard on Plaintiff STRYKER SALES CORPORATION’S (“Stryker Sales”) Motion for Preliminary Injunction, notice having been given and the parties’ appearing before this Court through Counsel on January 28, 2016 for the Preliminary Injunction Hearing at which this Court heard testimony from James Griggs and Defendant JOHNNY MCNANY (“McNany”) and argument from Counsel, and the Court also having reviewed and considered the following pleadings: Stryker Sales’ Complaint for Injunctive and Other Relief; the Answers filed by McNany and Defendant INTEGRA LIFESCIENCES CORPORATION (“Integra”); Stryker Sales’ Motion for Preliminary Injunction and Memorandum of Law in Support, including supporting exhibits and declarations of James Griggs and Matthew Evans; Defendants’ Response in Opposition, including supporting exhibits and declaration of Mr. McNany; Defendants’ Brief on the Applicable Law and supporting declaration of Mr. McNany; Stryker Sales’ Response in Opposition to Defendants’ Brief on the Applicable law and supporting exhibits and declarations of James Griggs, Julie Winans and Traci Peck; and pursuant

to the findings of fact and conclusions of law stated in open court at the January 28, 2016 Preliminary Injunction Hearing, **THE COURT HEREBY FINDS AS FOLLOWS:**

- i. This Court has personal jurisdiction over the parties;
- ii. Michigan law applies to this dispute;
- iii. Stryker Sales has a likelihood of success on the merits of its claims;
- iv. Stryker Sales would suffer irreparable injury during the pendency of this litigation if a preliminary injunction is not issued;
- v. The issuance of a preliminary injunction would not cause substantial harm to others; and
- vi. The public interest would be served by the issuance of a preliminary injunction.

Wherefore, **IT IS ORDERED** that Stryker Sales' Motion is GRANTED as follows:

1. Defendants JOHNNY MCNANY ("McNany") and INTEGRA LIFESCIENCES CORPORATION ("Integra") (collectively, "Defendants"), and all parties in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are preliminarily enjoined from using or disclosing any of Stryker Sales' confidential, proprietary and/or trade secret information.

2. McNany and all parties in active concert or participation with him who receive actual notice of this Order by personal service or otherwise are preliminarily enjoined from conducting any business on behalf of Integra at Stanford Hospitals & Clinics, which consists of Stanford University Hospital, Stanford Medical Center, Lucille Packard Children's Hospital, and the VA Hospital & Medical Center in Palo Alto, CA including but not limited to contacting, soliciting, or moving the business of any of these entities. Nothing in this Order shall limit or prohibit Integra from continuing to conduct business at Stanford Hospitals & Clinics, including

Stanford University Hospital, Stanford Medical Center, Lucille Packard Children's Hospital, and the VA Hospital & Medical Center in Palo Alto, CA including but not limited to contacting, soliciting, and moving the business of any of these entities; however, Integra and its employees and agents may not directly or indirectly work in concert or participation with McNany when conducting such business.

3. McNany and all parties in active concert or participation with him who receive actual notice of this Order by personal service or otherwise are preliminarily enjoined from contacting, soliciting, marketing, selling, servicing, or providing training or information about Integra's CUSA machines or systems and related disposables to any current or prospective customer of the Stryker Neurosurgical, Spine & ENT ("Stryker NSE") business unit in McNany's former Stryker territory, known as Bay Area South NSE as pictured on the map attached as **Exhibit A**. Nothing in this Order shall limit or prohibit Integra from contacting, soliciting, marketing, selling, servicing, and providing training and information about Integra's CUSA machines or systems and related disposables to customers and prospective customers in Stryker's Bay Area South NSE territory; however, Integra and its employees and agents may not directly or indirectly work in concert or participation with McNany when conducting such business.

4. McNany, Integra and all parties in active concert or participation with them who receive actual notice of this Order by personal service or otherwise shall return to Stryker Sales all originals and copies of any files, devices and/or documents that contain or relate to Stryker Sales' or Stryker NSE's confidential and proprietary information, including without limitation, all computers, electronic media, PDAs and electronic storage devices in a manner agreed to by the parties to preserve relevant evidence and metadata.

5. Pursuant to Federal Rule of Procedure 65(c), the Court orders Stryker Sales to post a bond of \$50,000 within 14 days of the entry of this Order.

6. This order shall remain in effect until September 15, 2016, absent a ruling or adjudication vacating this order.

7. The Temporary Restraining Order entered on January 15, 2016 (Dkt. No. 30) is hereby vacated as of the date of this Order.

IT IS SO ORDERED this ____th day of February, 2016 at ____ p.m.

UNITED STATES DISTRICT COURT JUDGE

Prepared By:

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CERTIFICATE OF SERVICE

The undersigned, an attorney, does hereby certify that he caused a true and correct copy of the foregoing to be served on all counsel of record through the ECF Filing System.

/s/ Michael D. Wexler

Michael D. Wexler